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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 JESUS MAGALLAN,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL,  
14 Acting Commissioner of Social  
15 Security,

16  
17 Defendant.

No. 1:16-cv-3166-RHW

**ORDER GRANTING STIPULATED  
MOTION FOR REMAND**

18 Before the Court is a Stipulated Motion for Remand and the parties jointly  
19 move the Court to remand for further administrative proceedings. **ECF No. 18.**  
20 Based on the agreement of the parties and the record, the Court finds good cause to  
21 grant the motion.

22 The Commissioner's decision to deny Mr. Magallan's application for  
23 disability benefits is **REVERSED** and **REMANDED** for further proceedings  
24 including a de novo hearing pursuant to sentence four of 42 U.S.C. § 405(g). Upon  
25 remand, the Administrative Law Judge ("ALJ") shall re-evaluate the medical  
26 evidence and reassess Mr. Magallan's residual functional capacity. If a favorable  
27 decision is not made on the record, the ALJ will afford Mr. Magallan the  
28 opportunity to appear at a new hearing and present evidence and testimony.

**ORDER GRANTING MOTION FOR REMAND ~ 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The parties' Stipulated Motion for Remand, **ECF No. 18**, is **GRANTED**.

3 2. The Commissioner's decision is **REVERSED** and this matter is  
4 **REMANDED** for further administrative proceedings consistent with this order.

5 3. All pending motions in this matter are now moot.

6 4. Reasonable attorney fees shall be awarded under the Equal Access to  
7 Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

8 5. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

9 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
10 Order, forward copies to counsel, and **close the file**.

11 **DATED** this 19th day of May, 2017.

12  
13 *s/Robert H. Whaley*  
14 ROBERT H. WHALEY  
15 Senior United States District Judge  
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